

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KELVIN LOVETT,	:	Case No. 1:17-cv-757
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
JEREMY EACHES, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORTS AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 6, 48)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed a Report and Recommendation recommending that portions of Plaintiff's complaint be dismissed for failure to state a claim. (Doc. 6). No objections were filed. The Magistrate Judge subsequently issued an Order granting, in part, Plaintiff's motions for leave to amend his complaint, and recommending that Plaintiff's motions be denied insofar as they sought to add certain Defendants. (Doc. 48).

Plaintiff timely filed an objection (“Objection”). (Doc. 51).<sup>1 2</sup>

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Reports and Recommendations should be and are hereby **ADOPTED** in their entirety. Accordingly:

1. The Reports and Recommendations (Docs. 6, 48) are **ADOPTED**;
2. Plaintiff’s motion to amend his Objection (Doc. 52) is **GRANTED**;
3. Plaintiff’s Objection (Docs. 51, 52) is **OVERRULED**;
4. Plaintiff’s motions for leave to amend the complaint (Docs. 41, 46) are **DENIED** to the extent Plaintiff seeks leave to add proposed Defendants Charles O’Conner, Carles Lewis, John Thornhill, Travis Tackett, Kristal Little, Archie Swords, David Hay, Dustin Jones, John Buckler, and John McCoy; and

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<sup>1</sup> Plaintiff’s Objection is not well-taken. The Objection fails to offer any persuasive argument to rebut the Magistrate Judge’s proper conclusion that Plaintiff had not set forth specific allegations against proposed Defendants Charles O’Conner, Carles Lewis, John Thornhill, Travis Tackett, Kristal Little, Archie Swords, David Hay, Dustin Jones, John Buckler, and John McCoy that would support a claim that each of these individuals acted, or failed to act, with deliberate indifference to Plaintiff’s safety and that he was harmed as a result. Additionally, Plaintiff’s Objection appears to present new allegations about some of these proposed Defendants that were not presented to the Magistrate Judge. These new allegations are procedurally improper: a “party may not raise new issues for the first time in an objection to a magistrate judge’s report and recommendation” and “the Court is under no obligation to address those issues.” *Martin v. E.W. Scripps Co.*, No. 1:12-cv-844, 2013 U.S. Dist. LEXIS 155673, at \* 6 (S.D. Ohio Oct. 30, 2013).

<sup>2</sup> Plaintiff also filed a motion for leave to Amend/Correct his Objection (Doc. 52); the Court **GRANTS** same and has considered the allegations set forth in Doc. 52.

5. Plaintiff's complaint is **DISMISSED** with the exception of: (i) Plaintiff's Eighth Amendment claims against Defendants C/O Robertson, C/O Cooper, C/O Fri, Sgt. Chinn, and Jeremy Eaches; (ii) Plaintiff's Fourth Amendment claims against Joshua Leesburg and S. Bennett (f/k/a John Does 1 and 2), and (iii) Plaintiff's claim against C/O Denny permitted by the Magistrate Judge's 10/11/18 Order.

**IT IS SO ORDERED.**

Date: 2/27/19

s/ Timothy S. Black  
Timothy S. Black  
United States District Judge